

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE GEORGIA
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DEPUTY CLERK

DONNIS ALFORD ET AL.,

Plaintiffs,

vs.

CORDELE FOODS, INC. d/b/a SHONEY'S
and d/b/a SHONEY'S OF CORDELE
and DALLAS HUNT

Defendants.

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Civil Action
File No.: 7:05-CV-78

DEFENDANTS' MOTION FOR MORE DEFINITE STATEMENT

Come now CORDELE FOODS, INC. and DALLAS HUNT, Defendants named in the above-styled action (hereinafter sometimes referred to as "these Defendants"), and pursuant to Fed. R. Civ. P. 12(e), files this their Motion for More Definite Statement, respectfully showing the Court as follows:

1.

Plaintiffs filed this instant action on July 14, 2005 seeking damages from alleged discriminatory conduct received at the Shoney's Restaurant in Cordele, Georgia. See generally, Complaint.

2.

Count Two of Plaintiffs' Complaint is entitled "Discrimination Under The State Law". The count contains only one paragraph that states the following: "Defendants intentionally discriminated against Plaintiffs because of their race and/or color in violation of the constitution and laws of the State of Georgia."

3.

Accordingly, Plaintiffs have not put Defendants on notice of what state law ground they are basing these allegations of private discrimination. Plaintiffs are simply alleging that there is some law somewhere in the Constitution or Official Code of Georgia that prohibits this conduct.

4.

Although the Fed. R. Civ. P. 8 allows for liberal pleading, to specify your state law cause of action in a manner that only limits it by the State of Georgia is not sufficient.

5.

Because of Plaintiffs' lack of specificity, Defendants are unable to form an adequate responsive pleading to Count Two of Plaintiffs' Complaint. See Charles R. Hobbs et al. v. BH Cars, Inc et al. 2004 U.S. Dist. LEXIS 10735, 17 L. Weekly Fed. D 819 (S.D. Fla. 2004)(holding that general reference to a violation of state law is insufficient).

6.

Therefore, Defendants respectfully move this Court to enter an order requiring Plaintiffs to provide a more definite statement with respect to their causes of action arising under state law as vaguely asserted in Count Two of the Complaint.

Respectfully submitted this 4th day of August, 2005.

**COLEMAN, TALLEY, NEWBERN,
KURRIE, PRESTON & HOLLAND, L.L.P.**

By: 

GEORGE T. TALLEY

Georgia Bar No.: 696700

By: 

TIMOTHY M. TANNER

Georgia Bar No: 697683

Attorneys For Defendants

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CERTIFICATE OF SERVICE

I, TIMOTHY M. TANNER do hereby certify that I am of counsel for the defendants in the above captioned matter, and that I have this day served a copy of the within and foregoing *Defendants' Motion for More Definite Statement*, upon the parties at interest by mailing a copy thereof to their counsel as follows:

Melody Y. Cherry, P.C.
531 Boulevard, S.E.
Atlanta, Georgia 30312

This 4th day of August, 2005.

**COLEMAN, TALLEY, NEWBERN,
KURRIE, PRESTON & HOLLAND, L.L.P.**

By: 

GEORGE T. TALLEY
Georgia Bar No.: 696700

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